UNITED STATES DISTRICT COURT DISTRICT OF NEW JERSEY

NOAH JIN ZHE,

Civil No. 17-10681 (KM)

Petitioner,

v.

:

MEMORANDUM AND ORDER

CHARLES GREEN,

Respondent.

respondent.

Petitioner pro se, Noah Jin Zhe, an immigration detainee currently held at the Essex

County Correctional Facility in Newark, New Jersey, seemingly seeks to bring a habeas petition

pursuant to 28 U.S.C. § 2241. A habeas petition must include either a \$5.00 filing fee or an

application to proceed *in forma pauperis*. 28 U.S.C. §§ 1914(a), 1915(a); Rules Governing §

2254 Cases, Rule 2, 28 U.S.C.A. foll. § 2254 (applying to this case through Rules Governing §

2254 Cases, Rule 1(b)). Petitioner's filing included neither. Thus, this case will be

administratively terminated. Petitioner shall be given an opportunity to reopen this action should he so choose.

It is also possible, however, that this submission is just a copy of a filing in the ICE appeals process, copied to the Court for informational purposes; if so, it might most appropriately be filed on the docket of the petitioner's previous habeas proceeding, 17-cv-7182 (KM), which was dismissed without prejudice as premature. If that was petitioner's intent, the Court requests that he resend this document under cover of a letter that includes the proper docket number.

Therefore, IT IS, this 14th day of November 2017,

ORDERED that the Clerk of the Court shall administratively terminate this case; and it is further

ORDERED that, if petitioner wishes to reopen this as a new habeas case, he shall so notify the Court, in writing addressed to the Clerk of the Court, Martin Luther King Jr. Federal Building and U.S. Courthouse, 50 Walnut Street, Newark, New Jersey, 07101; petitioner's writing shall include either the \$5.00 filing fee or a complete application to proceed *in forma pauperis*; and it is further

ORDERED that, upon receipt of a writing from petitioner stating that he wishes to reopen this case and either the \$5.00 filing fee or a complete application to proceed *in forma pauperis*, the Clerk of the Court will be directed to reopen this case; and it is finally

ORDERED that the Clerk shall serve upon petitioner by regular U.S. mail (1) a copy of this Memorandum and Order and (2) a blank form Application to Proceed in District Court Without Prepaying Fees or Costs, AO 239 (Rev. 01/15).

KEVIN MCNULTY

United States District Judge